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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: February 7, 2014

ACTION: R277-486 *Professional Staff Cost Program* (Continuation and Amendment)

Background:

1. R277-486 *Professional Staff Cost Program* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire. Staff has reviewed R277-486 and determined that the rule continues to be necessary.
2. R277-486 *Professional Staff Cost Program* is amended to correct citations in the rule.

Key Points:

1. R277-486 continues to be necessary because it provides statutory or federal regulatory percentages of licensed staff.
2. In R277-486-5B, R277-501 is changed to R277-500 and in R277-486-7B, R277-484-3J is changed to R277-484-3M.

Anticipated Action:

1. It is proposed that the Law and Licensing Committee consider approving R277-486 for continuation on first reading, and if approved by the Committee, the Board consider approving R277-486 for continuation on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-486, as amended, on first reading, and if approved by the Committee, the Board consider approving R277-486, as amended, on second reading.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514
David Roberts, School Finance Director, 801-538-7668

1 **R277. Education, Administration.**

2 **R277-486. Professional Staff Cost Program.**

3 **R277-486-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Comprehensive Administration of Credentials for
6 Teachers in Utah Schools (CACTUS)" means the electronic file
7 maintained on all licensed Utah educators. The file includes
8 information such as:

9 (1) personal directory information;

10 (2) educational background;

11 (3) endorsements;

12 (4) employment history;

13 (5) professional development information; and

14 (6) a record of disciplinary action taken against the
15 educator.

16 C. "ESEA" means the Elementary and Secondary Education
17 Act, also known as the No Child Left Behind Act, P.L. 107-110,
18 Title I, Part A, Subpart 1, Sec. 1119, January 8, 2002.

19 D. "FTE" means full time equivalent.

20 E. "LEA" means a local education agency, including local
21 school boards/public school districts, and charter schools.

22 F. "National Board certified educator" means an educator
23 who has been certified by the National Board for Professional
24 Teaching Standards (NBPTS) by successfully completing a three-
25 year process that may include national content-area
26 assessment, an extensive portfolio, and assessment of video-
27 taped classroom teaching experience.

28 G. "USOE" means Utah State Office of Education.

29 H. "Weighted Pupil Unit (WPU)" means the unit of measure
30 that is computed in accordance with the Minimum School Program
31 Act for the purpose of determining the costs of a program on
32 a uniform basis for each LEA.

33 **R277-486-2. Authority and Purpose.**

34 A. This rule is authorized by Utah Constitution Article
35 X, Section 3, which vests general control and supervision of
36 public education in the Board, by Section 53A-17a-107(2) which
37 authorizes the Board to adopt a rule to require a certain
38 percentage of a LEA's professional staff to be licensed in the
39 area in which the teacher teaches in order for the LEA to
40 receive full funding under the state statutory formula, and by
41 Section 53A-1-401(3) which allows the Board to adopt rules in
42 accordance with its responsibilities.

43 B. The purpose of this rule is to satisfy statutory or
44 federal regulatory percentages of licensed staff and support
45 LEAs in recruiting and retaining highly educated and
46 experienced educators for instructional, administrative and
47 other types of professional employment in public schools.

48 **R277-486-3. Eligibility to Receive WPUs for Professional**
49 **Staff.**

50 A. LEAs shall receive WPUs in accordance with the
51 formula provided in Section 53A-17a-107(1)(a):

52 (1) only for those educators who hold at least a
53 bachelors degree; and

54 (2) only to the extent that such educators are qualified
55 to work in the area to which they are assigned consistent with
56 R277-520. For example, an educator who is employed full time
57 but is appropriately qualified in only 75% of his assignments
58 would count for only 0.75 FTEs in the calculation of WPUs.

59 (3) In order to receive full (100%) funding, an LEA shall
60 have an appropriately qualified educator in every assignment.

61 B. An educator who is identified as qualified under R277-
62 520 is not necessarily highly qualified for ESEA purposes.

63 C. LEAs shall not receive WPUs for interns in their
64 second or subsequent years nor for paraprofessionals in any
65 assignment.

66 **R277-486-4. Acceptable Experience.**

67 A. Educator experience for purposes of this rule shall be
68 measured in one-year increments.

69 B. An educator shall be credited by the USOE, for
70 purposes of the professional staff cost calculation, with one
71 year of experience for every school year in which he is
72 employed at least half-time (0.5 FTE) in an instructional or
73 administrative position in any public school in the State of
74 Utah or in any regionally accredited:

75 (1) public school outside of the State of Utah;

76 (2) private school; or

77 (3) institution of higher education.

78 C. To obtain credit under Subsection B(1) through (3),
79 the LEA which employs the educator shall submit to the USOE
80 acceptable documentation verifying such experience, including
81 documentation of the school's or institution's regional
82 accreditation.

83 D. Employment in a prekindergarten position shall not be
84 acceptable for this purpose, unless the educator is or was
85 employed in a special education position in an accredited
86 school.

87 E. Unpaid volunteer service, paid consulting, employment
88 in non-instructional or non-administrative positions in a
89 school setting, and a school internship shall not be
90 acceptable experience under this rule.

91 F. Documentation of an educator's experience in a
92 private school or institution of higher education may be
93 required by USOE staff to determine relevance of experience.

94 **R277-486-5. Acceptable Training.**

95 Acceptable training under this rule may include:

96 A. Any degree at the bachelors level or above or credit
97 beyond the current degree from a:

98 (1) regionally accredited institution of higher

99 education; or
100 (2) postsecondary degree-granting institution accredited
101 by any of the national accrediting agencies recognized by the
102 United States Department of Education.

103 B. Any professional development activity consistent with
104 R277-50[±]0 and approved in writing by the USOE.

105 **R277-486-6. Mapping Degree Summary Data to Statutory Formula.**

106 A. To ensure consistency in applying data from CACTUS to
107 the formula, the following mapping of the relevant two-digit
108 CACTUS Degree Summary codes to the five columns of the
109 Professional Staff Cost formula table in Section
110 53A-17a-107(1)(a) shall be used:

111 (1) 03 = Bachelor's Degree;

112 (2) 04 or 05 = Bachelors + 30 quarter hours or 20
113 semester hours;

114 (3) 06 = Master's Degree;

115 (4) 07 or 08 = Master's Degree + 45 quarter hours or 30
116 semester hours;

117 (5) 09 = Doctorate.

118 B. An LEA shall be credited for an individual with
119 National Board certification at the doctorate level.

120 **R277-486-7. Data Sources.**

121 A. For LEAs that were in operation in the prior year,
122 data shall be used from June 30 update of CACTUS as required
123 by R277-484-3C.

124 B. For LEAs that were not in operation in the prior year,
125 data shall be used from November 15 update of CACTUS as
126 required by R277-484-3[±]M.

127 **KEY: professional staff**

128 **Date of Enactment or Last Substantive Amendment: [~~June 7,~~**
129 **~~2012~~ 2014**

130 Notice of Continuation: [~~January 5, 2009~~]2014

131 Authorizing, and Implemented or Interpreted Law: Art X Sec 3;

132 53A-17a-107(3); 53A-1-401(3)